

EXHIBIT 49

From: [Beral, Arash](#)
To: [Murphy, Michael D.](#)
Cc: [Zolliecoffer, Jordan](#); [Malynn, Todd M.](#)
Subject: [EXT] RE: SPAVI contempt motion fees
Date: Tuesday, April 8, 2025 1:05:31 PM

Mike:

It's been over an hour. What's going on?

Arash

Arash Beral | BLANKROME
2029 Century Park East | Los Angeles, CA 90067
[Arash Beral | Blank Rome LLP](#)

From: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Sent: Tuesday, April 8, 2025 12:04 PM
To: Beral, Arash <arash.beral@blankrome.com>
Cc: Zolliecoffer, Jordan <JZolliecoffer@foxrothschild.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Subject: Re: SPAVI contempt motion fees

my computer was forced to restart after opening

Jordan delete arash's attachment and I will cut and paste arash's section as included in the email below

From: Beral, Arash <arash.beral@blankrome.com>
Sent: Tuesday, April 8, 2025 12:00:29 PM
To: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Cc: Zolliecoffer, Jordan <JZolliecoffer@foxrothschild.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Subject: [EXT] RE: SPAVI contempt motion fees

It's opening fine over here. Copy and pasted below.

DEFENDANTS' STATEMENT

To begin, the Court should note that Plaintiff refused to share its portion of the report with us so that we could respond. We drafted the following in the dark.

On February 28, 2025, the Court expressed its dissatisfaction over the issue of the parties' discussions on reasonable attorney's fees on the anti-SLAPP motion. ("Before you answer, I'm not talking about the anti-SLAAP, which the Court is disappointed with what it received -- largely from the plaintiff, I'm disappointed ... The plaintiff should understand, as they will see in the Court's order regarding attorneys' fees, I'm going to give -- be giving them \$5,000 with regard to the anti-SLAAP because the Court is not satisfied that they're getting the Court's message as well.) The Court stated clearly that it expected "reasonableness, not exploitations, getting leverage, and the like" and that Plaintiff "needs to get the message that they need to engage in good faith and attempt, within reason, to reach an accommodation rather than being overly aggressive."

On December 26, Mr. Murphy filed a declaration stating under oath that his then-law firm had billed 24.5 hours at a total expense of \$16,767.50 "for Mr. Hsu and I corresponding with Defendants' counsel to demand compliance with the Injunction Order; meeting and conferring with Defendants' counsel regarding their compliance (or non-compliance) with the Injunction Order; drafting and meeting and conferring regarding the Motion; and investigating and researching regarding Defendants' compliance with the Injunction Order, including by conferring with a private investigator regarding the same." Dkt. No. 87-1 at ¶17. Alongside fees he said they expected to incur on reply, Plaintiff requested \$25,612.50. *Id.*, ¶¶16-18.

After Plaintiff prevailed (in part) with the Court declining its requests for a "per day" fine, a special master, and future legal fees, but ordering the parties

to thoroughly discuss “the amount of reasonable attorney’s fees to award to Plaintiff in connection with its contempt motion,” Dkt. No. 117, Plaintiff seized on an opportunity to exploit the situation. Suddenly, it took the position that \$16,767.50 was no longer the honest truth of “the sum of attorneys’ fees reasonably incurred by SPAVI” as of December 26, Dkt. No. 87-1 at ¶17, or that it is bound by its notice and moving papers requesting approximately \$25,000. It took the position that a large majority of items worked on in November and December, including fees incurred on *other* motions and applications filed in this case as well as fees incurred on the concurrent *Ninth Circuit appeal*, are recoverable.

We spent considerable time going through their invoices and then again going through their “updated redacted” invoices sent to us just 5 days ago. In our portion of the prior statement, we provided an objective report to the Court on March 25 (Dkt. No. 134) detailing the discussions between counsel from March 5 through March 25. We pointed out issues with Plaintiff’s fee invoices but still offered \$12,500 a month ago, on March 12, to resolve this issue. At our request, we conferred again on April 3 in person. We explained our positions, but Mr. Murphy insisted that Plaintiff is entitled to between \$50,000-\$100,000, maybe more.

Fully desirous of being reasonable and resolving this issue, we offered \$25,000 (a mere \$612.50 less than what was requested in full, Dkt. No. 87-1 at ¶17) so that we would not have to incur any more expenses in preparing this report or attending a hearing on Friday. We received no response.

This morning, we requested Mr. Murphy to send us his 3-page submission by 10 am so that we’d have sufficient time to address whatever positions he was going to take with the Court. His response to us at 9:25 am was: “You have not sent yours. Why should you see ours?” At 9:34 am, Mr. Murphy wrote: “You write your 3 pages, I write mine. I attach the billing

records. What more is there?” While we were preparing our portion, at 11:03 am, Mr. Murphy sent us a blank joint statement with a demand that we include our position and return it by 11:50 am.

To the extent they are helpful to the Court’s evaluation, our main points are:

1. Plaintiff cannot recover any more than what it requested in its moving papers.
2. Many entries are not recoverable. For example, on November 26, Mr. Hsu billed 6.5 hours for “Draft and finalize correspondence to 9th Circuit regarding Koren’s Emergency Motion for Stay; draft and research regarding Opposition to Koren’s request to modify bond; correspond with contractor regarding same; correspond with franchisees regarding short-term license; correspond with Koren’s counsel regarding briefing schedule on Emergency Motion for Stay.”
3. Many entries are block-billed so it is impossible to determine what time was incurred to bring the motion for contempt versus other work. For example, on January 17, 2025, Mr. Murphy billed 2.9 hours for “Review and revise Reply in support of Contempt Motion and Responding Brief to the 9th Circuit.”
4. Where there were attempts to identify the hours spent on the motion for contempt, those appear to be wholly arbitrary and excessive. Not only that, they still attempt to capture time spent on other matters. For example, while a substantial portion of Mr. Hsu’s December 23, 2024 entry is redacted, Plaintiff is still seeking the full 2.9 hours billed on that entry.
5. There are duplication of efforts, i.e., two attorneys at a hearing.

6. From a holistic perspective, (a) Plaintiff did not fully prevail on its motion; and (b) “used” the motion (and other threats) to not only strike deals with PCJV’s franchisees (as is evident by the fee records) but also to stop PCJV’s franchisees from doing business with PCJV. Plaintiff *substantially benefitted* from bringing this motion. Defendants submit that this factor should be taken into consideration when determining what a reasonable award should be.

Finally, we assume that Plaintiff is satisfied with the status of the fixed signage installations. Mr. Murphy requested an update on Thursday, and we provided one yesterday. Plaintiff has not raised any issues or concerns.

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From: Murphy, Michael D. <mdmurphy@foxrothschild.com>

Sent: Tuesday, April 8, 2025 11:55 AM

To: Beral, Arash <arash.beral@blankrome.com>

Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Malynn, Todd M.

<Todd.Malynn@BlankRome.com>

Subject: RE: SPAVI contempt motion fees

This document is corrupted when I open it

[Redacted]

[Redacted]

Michael Murphy

Partner

[Redacted] (213) 213-1211

☐ (310) 974-2271 (cell)
☐ mdmurphy@foxrothschild.com

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From: Beral, Arash <arash.beral@blankrome.com>
Sent: Tuesday, April 8, 2025 11:53 AM
To: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Cc: Zollicoffer, Jordan <jzolliecoffer@foxrothschild.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Subject: [EXT] RE: SPAVI contempt motion fees

I sent.

Arash Beral | BLANKROME
2029 Century Park East | Los Angeles, CA 90067
[Arash Beral | Blank Rome LLP](#)

From: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Sent: Tuesday, April 8, 2025 11:51 AM
To: Beral, Arash <arash.beral@blankrome.com>
Cc: Zollicoffer, Jordan <jzolliecoffer@foxrothschild.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Subject: RE: SPAVI contempt motion fees

Arash are you sending?

☐

☐

Michael Murphy
Partner

☐ (213) 213-1211
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☐ mdmurphy@foxrothschild.com

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From: Beral, Arash <arash.beral@blankrome.com>
Sent: Tuesday, April 8, 2025 9:39 AM
To: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Subject: [EXT] RE: SPAVI contempt motion fees

Right now at 9:34 am is the first time you have communicated to me that you are rejecting our offer. I don't know your positions. I don't know what you're going to say in your 3 pages. Whatever, go ahead down this path.

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2029 Century Park East | Los Angeles, CA 90067
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From: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Sent: Tuesday, April 8, 2025 9:34 AM
To: Beral, Arash <arash.beral@blankrome.com>
Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Subject: RE: SPAVI contempt motion fees

Arash:

You know our positions. I have said them in meet and confers and briefs. I know your positions. You write your 3 pages, I write mine. I attach the billing records. What more is there?

Please stop making accusations and insults.

[Redacted]

[Redacted]

Michael Murphy
Partner

[Redacted]

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☐ mdmurphy@foxrothschild.com

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From: Beral, Arash <arash.beral@blankrome.com>
Sent: Tuesday, April 8, 2025 9:31 AM
To: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Subject: [EXT] RE: SPAVI contempt motion fees

I have not written mine. I'm waiting for you. I don't like these games. You know you're playing them. You ignored me last night, and you were going to ignore me today until 11:45 am unless I wrote you.

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2029 Century Park East | Los Angeles, CA 90067
[Arash Beral | Blank Rome LLP](#)

From: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Sent: Tuesday, April 8, 2025 9:29 AM
To: Beral, Arash <arash.beral@blankrome.com>
Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Subject: RE: SPAVI contempt motion fees

Actually Arash, I wrote it but it did not send. This firm requires that you press send twice, and I still sometimes forget. Please do not accuse me of games. I just sent it.

You all complain about me claiming I am so mean to you, but every time you communicate you insult me. Stop.

I know you have written yours. Why should you see my portion if I do not get to see yours?

[REDACTED]

[REDACTED]

Michael Murphy

Partner

[REDACTED] (213) 213-1211

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[REDACTED] mdmurphy@foxrothschild.com

[REDACTED]

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From: Beral, Arash <arash.beral@blankrome.com>

Sent: Tuesday, April 8, 2025 9:26 AM

To: Murphy, Michael D. <mdmurphy@foxrothschild.com>

Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Malynn, Todd M.
<Todd.Malynn@BlankRome.com>

Subject: [EXT] RE: SPAVI contempt motion fees

I have no idea what to say until I see yours. You completely ignored my email yesterday. Why are you playing these games?

Arash Beral | BLANKROME

2029 Century Park East | Los Angeles, CA 90067

[Arash Beral | Blank Rome LLP](#)

From: Murphy, Michael D. <mdmurphy@foxrothschild.com>

Sent: Tuesday, April 8, 2025 9:25 AM

To: Beral, Arash <arash.beral@blankrome.com>

Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Malynn, Todd M.
<Todd.Malynn@BlankRome.com>

Subject: RE: SPAVI contempt motion fees

You have not sent yours. Why should you see ours?

[REDACTED]

[Redacted]
Michael Murphy

Partner

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[Redacted]

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From: Beral, Arash <arash.beral@blankrome.com>

Sent: Tuesday, April 8, 2025 9:11 AM

To: Murphy, Michael D. <mdmurphy@foxrothschild.com>

Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Malynn, Todd M.
<Todd.Malynn@BlankRome.com>

Subject: [EXT] RE: SPAVI contempt motion fees

Mike:

Please send Plaintiff's joint statement portion (not to exceed 3 pages) by 10 am so that we have sufficient time to address and insert our portion.

Arash

Arash Beral | BLANKROME

2029 Century Park East | Los Angeles, CA 90067

[Arash Beral | Blank Rome LLP](#)

From: Beral, Arash

Sent: Monday, April 7, 2025 5:08 PM

To: Murphy, Michael D. <mdmurphy@foxrothschild.com>

Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Malynn, Todd M.
<Todd.Malynn@BlankRome.com>

Subject: SPAVI contempt motion fees

Mike:

I'm on break from a deposition in another matter right now. I have received authority to offer **\$25,000** as a last, best and final to fully and finally resolve the contempt fee issue so long as we could get this wrapped up this afternoon or tonight in order to avoid further legal expense, including briefing tomorrow morning and attending a hearing this Friday.

Regarding your request re: status of fixed signage installations, please see below updates I

received:

1. Defendant NKM Capital Group, LLC
 - a. Installation happening this week
2. Defendant J & K Americana, LLC
 - a. Installation completed
3. Defendant J&K Lakewood, LLC
 - a. Waiting on landlord's final approval, which is expected this week; expecting installation within next 2-3 weeks
4. Defendant GK Cerritos, LLC
 - a. Waiting on landlord's final approval, which is expected this week; expecting installation within next 2-3 weeks
5. Defendant J&K Valley Fair, LLC
 - a. Waiting on landlord; will get expected installation date very soon hopefully
6. Defendant J & K Ontario, LLC
 - a. Waiting on landlord; will get expected installation date very soon hopefully
7. Defendant HLK Milpitas, LLC
 - a. Waiting on landlord; will get expected installation date very soon hopefully

Arash

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